



1Fu

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<i>In re</i> Application of:)	
)	
Frank Michaels)	Examiner: Unassigned
)	
Serial No.: 10/531,805)	Group Art Unit: 1644
)	
Filed: April 18, 2005)	Confirmation No.: 3679
)	
For: Transmucosal Administration of)	
Aggregated Antigens)	

**Petition to Withdraw Holding of Abandonment Based on Failure to Receive
Petition Decision Pursuant to 37 C.F.R. §1.181**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This petition is presented for the purpose of providing evidence that applicants did not receive a copy of a Petition Decision in the above-captioned application.

Applicant received a Notice of Abandonment mailed November 27, 2007, alleging the above-captioned application was abandoned for failure to properly respond to the Decision dated September 8, 2006 regarding a deceased inventor. Neither applicant nor applicant's undersigned representatives received a copy of the Decision. The address to which the Decision was allegedly mailed is listed as: Hunton & Williams LLP, Intellectual Property Department, 1900 K Street, N.W., Suite 1200, Washington, D.C. 20006-1109, which is the mail repository for all in-coming mail from the PTO. Applicants are attaching hereto, as Exhibit A, a declaration of Alexander H. Spiegler, the attorney responsible for prosecuting the above-captioned application, which presents sufficient evidence to prove that applicant did not receive a copy of the Decision. Applicant also attaches a redacted copy of the docket

record where the non-received Decision would have been entered had it been received and docketed.

Applicant's representatives enter all in-coming mail from the PTO in its docketing system. Had applicant's representatives received the Decision, the response due date would have been entered into the docketing system for November 8, 2006. A copy of the redacted master docket report for the period of November 4, 2006 thru November 8, 2006 is attached as Exhibit B. The docket reveals that no Response due date was docketed for the above-captioned application. Applicant is attaching as Exhibit C a redacted copy of the PTO mail log record for all incoming mail for the dates September 6, 2006 thru December 7, 2006. As shown in the attached mail log, the Decision was not received and consequently, not entered into applicant's representatives' PTO mail log record.

The evidence presented herein reveals that neither applicant nor applicant's representatives received the Decision dated September 8, 2006. Accordingly, applicant respectfully requests that a new Decision be issued and mailed to the same address.

In addition, applicant submits with this Petition a declaration signed by Ms. Karen Dohm, legal representative for deceased inventor Frank Michaels. This declaration lists the residency and citizenship information for both Ms. Dohm and Mr. Michaels, as required by 37 CFR 1.497.

It is respectfully submitted that no fee is required for consideration of this Petition.
However, in the event any fee is deemed necessary, the Commissioner is authorized to
charge the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

Jan. 28, 2008
Date

Kellie L. Carden
Kellie L. Carden
Reg. No. 52,696

HUNTON & WILLIAMS
Intellectual Property Department
1900 K. St., NW
Washington, D.C. 20006-1109
(703) 714-7645

KLC